

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

THE STATE OF TEXAS,

Plaintiff,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY, *et al.*,

Defendants.

§
§
§
§
§
§
§
§

CIVIL ACTION NO. 2:23-CV-00055-AM

JOINT NOTICE REGARDING SECOND PRELIMINARY INJUNCTION HEARING

In response to the Court's November 9 Order, ECF 33, the parties submit the following:

The parties have conferred regarding a second preliminary-injunction hearing date prior to the expiration of the currently extended TRO at 9:30 a.m. on Monday, November 27. The parties agreed that they can be available for a second preliminary-injunction hearing on Monday, November 20 or Tuesday, November 21, 2023, recognizing that the Court is closed on November 22 and 24. Due to the Thanksgiving holiday, however, Defendants respectfully request that if the Court is amenable, the Court hold the hearing on November 27 or 28. If the Court were to schedule the hearing for November 27 or 28, Defendants would consent to an extension of the TRO to Wednesday, November 29, at 11:59 p.m. Texas would not oppose such an extension of the TRO and a hearing on Monday, November 27, or Tuesday, November 28, but only if that timing would permit sufficient time for the Court to rule on the Motion for Preliminary Injunction and make the findings and conclusions required by Fed. R. Civ. P. 52(a)(2) prior to the expiration of the extended TRO.

The parties are actively working to gather materials responsive to the Court's order and

preparing supplemental briefs as directed by the Court. However, Defendants intend to apprise the Court tomorrow of their capabilities to comply with the Court's order for production of documents and plan to move to modify the scope of the order.

If for any reason the Court concludes that it cannot hold the second hearing prior to the expiration of the TRO, Texas respectfully suggests the Court rule on the pending preliminary-injunction motion prior to the expiration of the TRO.

Dated: November 13, 2023.

Respectfully submitted.

KEN PAXTON
Attorney General of Texas

/s/ Ryan D. Walters
RYAN D. WALTERS
Chief, Special Litigation Division
Texas Bar No. 24105085

BRENT WEBSTER
First Assistant Attorney General

DAVID BRYANT
Special Counsel
Texas Bar No. 03281500

GRANT DORFMAN
Deputy First Assistant Attorney General

RALPH MOLINA
Deputy Attorney General for Legal Strategy

MUNERA AL-FUHAID
Special Counsel
Texas Bar No. 24094501

ROBERT HENNEKE
Texas Bar No. 24026058
Texas Public Policy Foundation
901 Congress Ave.
Austin, Texas 78701
(512) 472-2700
rhenneke@texaspolicy.com

HEATHER L. DYER
Special Counsel
Texas Bar No. 24123044

Office of the Attorney General
Special Litigation Division
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
(512) 936-1706
Ryan.Walters@oag.texas.gov
David.Bryant@oag.texas.gov
Munera.Al-Fuhaid@oag.texas.gov
Heather.Dyer@oag.texas.gov

COUNSEL FOR PLAINTIFF

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

JAIME ESPARZA
United States Attorney

JEAN LIN
Special Litigation Counsel

/s/Christopher A. Eiswerth
Christopher A. Eiswerth (D.C. Bar 1029490)
Stephen Ehrlich (NY Bar No. 5264171)
Faith E. Lowry (TX Bar No. 24099560)
Trial Attorneys
U.S. Department of Justice
Federal Programs Branch, Civil Division
1100 L St., N.W.
Washington, D.C. 20530
Tel: (202) 305-0568 / Fax: (202) 616-8460
christopher.a.eiswerth@usdoj.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on November 13, 2023, which automatically serves all counsel of record who are registered to receive notices in this case.

/s/Ryan D. Walters
RYAN D. WALTERS